

FILED	LODGED
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JAN 21 2009	
CLERK U.S. DISTRICT COURT WESTERN DISTRICT OF WASHINGTON AT TACOMA	
BY	DEPUTY

THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
TACOMA DIVISION

Washington Association of Realtors,

Plaintiffs/Petitioner,

vs.

WASHINGTON STATE PUBLIC  
DISCLOSURE COMMISSION; and VICKI  
RIPPIE, Executive Director of the Washington  
State Public Disclosure Commission, in her  
individual capacity,

Defendants/Respondents.

NO.

COMPLAINT FOR DECLARATORY  
JUDGMENT AND INJUNCTIVE  
RELIEF

COMES NOW the petitioner/plaintiff, Washington Association of Realtors for causes  
of action against the respondents/defendants and alleges and states as follows:

**I. PARTIES**

1.1 Plaintiff/Petitioner Washington Association of Realtors, a Washington non-  
profit corporation ("Realtors"), is the respondent to a complaint filed with the Public  
Disclosure Commission. The Realtors' mailing address is 504 14th Ave. SE, #200, Olympia,  
WA 98501.

COMPLAINT FOR DECLARATORY  
JUDGMENT AND INJUNCTIVE RELIEF - 1

**SHORT CRESSMAN  
& BURGESS PLLC**

999 Third Avenue, Suite 3000, Seattle, WA 98104-4088  
206.682.3333 phone | 206.340.8856 fax | www.scblaw.com

638050.3/007114.00003

Summons Issued T-5002

C09 5030 RJB

1.2 Defendant/respondent Public Disclosure Commission ("PDC") is a state agency established under RCW 42.17.350. The PDC's mailing address is 711 Capitol Way, Room 206, P.O. Box 40908, Olympia, Washington, 98504-0908.

1.3 Defendant Vicki Rippie is Executive Director of the PDC (the "PDC Executive Director") and is sued herein in her individual capacity while acting under the color of the law.

## II. JURISDICTION AND VENUE

2.1 This Court has jurisdiction to decide plaintiff's civil rights action under U.S.C. § 1343 & 1983. The challenged provisions of state law and the defendants' actions establish an "actual controversy" within the meaning of 28 U.S.C. § 2201, entitling plaintiff to a declaratory judgment and supplemental relief under 28 U.S.C. § 2202.

2.2 Venue is proper because a majority of defendants reside in this district, and a substantial part of the events giving rise to the claim occurred in this district. 28 U.S.C. § 1391(b). The Tacoma Division is proper because the actions of defendants occurred in Thurston County, Washington.

## III. FACTUAL ALLEGATIONS

3.1 The Realtors is a member directed organization representing the interests and views of over 20,000 licensed real estate professionals in the state of Washington.

3.2 Over the years the Realtors has communicated with its members and the general public about issues of importance to the real estate industry and the economy. One of the primary means of communication with the general public has been through direct mail advertising.

3.3 It is through these communications that the general public is informed of the Realtors' views on issues such as the real estate excise tax and is then able to contact and

1 the primary means of communication with the general public has been through direct mail  
2 advertising.

3  
4 3.3 It is through these communications that the general public is informed of the  
5 Realtors' views on issues such as the real estate excise tax and is then able to contact and  
6 influence those with the power to raise or lower such taxes (namely the Governor and  
7 members of the State Legislature).

8  
9 3.4 The Realtors sent three mailings in October of 2008 intended to influence  
10 recipients to contact elected officials in Washington State with the power to raise taxes and  
11 encourage them not to do so. True and correct copies of the mailings that are the subject of  
12 this complaint in question are attached hereto as Exhibit A, (the "Issue Mailings").

13  
14 3.5 Washington regulates political and campaign-related communications and  
15 finance through the provisions of Chapter 42.17 of the Revised Code of Washington  
16 ("RCW"). The provisions of RCW 42.17 do not regulate "issue advertising" but rather  
17 "electioneering communications". In discussing this distinction (and finding certain  
18 regulations of issue advertisements impermissible) the United States Supreme Court recently  
19 held, "an [issue] ad is the functional equivalent of express advocacy *only if the ad is*  
20 *susceptible of no reasonable interpretation other than as an appeal to vote for or against a*  
21 *specific candidate.*" [Emphasis added.] *Federal Election Commission v. Wisconsin Right to*  
22 *Life*, 551 U.S. \_\_\_, 127 S. Ct. 2652 (2007).

23  
24  
25 3.6 On October 30, 2008 Phil Stutzman, Director of Enforcement for the PDC  
26 contacted the Controller of the Realtors and asked him to file a form C6 declaring the Issue  
COMPLAINT FOR DECLARATORY  
JUDGMENT AND INJUNCTIVE RELIEF - 3

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1 Mailings to be electioneering communications supporting or opposing the re-election of  
2 Governor Christine Gregoire.

3  
4 3.7 Later that day the Realtors filed a C6 form under protest detailing all  
5 expenditures made on the Issue Mailings, a true and correct copy of which is attached hereto  
6 as Exhibit B. The Realtors declined to indicate that the piece was supporting or opposing  
7 Governor Gregoire's re-election because the piece did neither.

8  
9 3.8 On October 31, 2008 Mr. Stutzman again asked the Realtors to file another C6  
10 indicating that the mailing was either supporting or opposing Governor Gregoire for re-  
11 election. His communication to counsel for the Realtors stated in relevant part, "As noted  
12 previously, the two mailings clearly identify the Governor, without using her name.  
13 Therefore, Section 3 of the C-6 form is required to include the Governor's name, her office,  
14 her party, and whether the advertising supports or opposes her."

15  
16 3.9 The Realtors respectfully declined to incorrectly characterize their Issue  
17 Mailings as electioneering communications and accordingly declined to fill out Section 3 of  
18 the PDC form C6 as requested by Mr. Stutzman.

19  
20 3.10 On December 4, 2008 the PDC Executive Director filed a complaint against  
21 the Realtors (PDC Case No. 09-080) alleging, among other things, that the Issue Mailings  
22 were "electioneering communications" (as defined by RCW 42.17.020(20) opposing  
23 Governor Christine Gregoire and therefore the Realtors disclosures regarding the same were  
24 inadequate.  
25  
26

COMPLAINT FOR DECLARATORY  
JUDGMENT AND INJUNCTIVE RELIEF - 4

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3.11 The interpretation of RCW 42.17.020(20) (defining “electioneering communication”) (the “Statute”) as applied to the Realtors by the PDC (both in the PDC Executive Director’s complaint and the PDC’s earlier request) would proscribe any communication for any purpose that referenced the “Governor” in the 60 days prior to an election unless it met the reporting requirements of RCW 42.17.565. The complaint in this instance is even more troubling because the amount of money expended was in fact reported as required by RCW 42.17.565 (under protest) to the public, see Exhibit B. The PDC was not content to rest with full disclosure of expenditures it was not entitled to; it instead insisted that the Realtors publicly ascribe a non-existent intent to its Issue Mailings and then launched an investigation when it refused to do so. Clearly this complaint by the PDC Executive Director (after full financial disclosure has been made) does not further any compelling -- or even an important -- government interest. Indeed, the attempt to force false confessions of political intent is not narrowly tailored to achieve a compelling public interest but rather sweepingly tailored (and selectively applied) to achieve a political interest.

#### IV. VIOLATION OF CIVIL RIGHTS

4.1 The facts alleged in paragraphs 3.1 through 3.11 above are incorporated herein by reference.

4.2 The Issue Mailings to the public regarding taxation are protected speech under the First Amendment to the U.S. Constitution, as applied through the Fourteenth Amendment to the U.S. Constitution, and under Article I, Section 5 of the Washington State Constitution.

COMPLAINT FOR DECLARATORY  
JUDGMENT AND INJUNCTIVE RELIEF - 5

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638050.3/007114.00003

1           4.3     The PDC and the PDC Executive Director, acting in her individual capacity  
2 under the color of state law, have violated the Realtors' constitutional rights to freedom of  
3 speech.

4           4.4     The Realtors is entitled to relief under 42 U.S.C. §§ 1983, 1988.  
5

6                           **V. DECLARATORY RELIEF**

7           5.1     The facts alleged in paragraphs 3.1 through 3.11 above are incorporated herein  
8 by reference.

9           5.2     There is an actual, present, and existing dispute between the Realtors and  
10 defendants the PDC and the PDC Executive Director.

11           5.3     The Realtors is entitled to a declaration from the Court that the Issue Mailings  
12 are not "electioneering communication[s]" as defined by RCW 42.17.020(20).  
13

14           5.4     The Realtors is entitled to a declaration from the Court that RCW  
15 42.17.020(20) is unconstitutional as applied to the Issue Mailings and in violation of the free  
16 speech guarantees of the federal and state constitutions.

17           5.5     The Realtors is entitled to a declaration from the Court that RCW 42.17.565 is  
18 unconstitutional as applied to the Issue Mailings and in violation of the free speech guarantees  
19 of the federal and state constitutions.  
20

21                           **VI. INJUNCTIVE RELIEF**

22           6.1     The facts alleged in paragraphs 3.1 through 3.11 above are incorporated herein  
23 by reference.

24           6.2     The Realtors has a clear legal and equitable right to exercise freedoms under  
25 the free speech guarantees of the federal and state constitutions.  
26

COMPLAINT FOR DECLARATORY  
JUDGMENT AND INJUNCTIVE RELIEF - 6

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638050.3/007114.00003

6.4 The Realtors will suffer immediate and irreparable harm if the PDC and the PDC Executive Director are not enjoined from unconstitutionally enforcing RCW 42.17.565 against the Realtors.

6.5 The Realtors is entitled to permanent injunctive relief enjoining the PDC and the PDC Executive Director, their successors, agents, employees, and persons acting in concert with them, from asserting RCW 42.17.565 as authority for requiring any disclosures for expenditures made on the Issue Mailings.

6.5 The Realtors is entitled to permanent injunctive relief enjoining the PDC and the PDC Executive Director, their successors, agents, employees, and persons acting in concert with them, from asserting RCW 42.17.565 as authority for requiring any disclosures for expenditures made on the Issue Mailings.

## VII. PRAYER FOR RELIEF

WHEREFORE, the Realtors prays for judgment:

1. Declaring that the Issue Mailings are not "electioneering communication[s]" under RCW 42.17.020(20).

2. Declaring RCW 42.17.020(20) to be unconstitutional as applied to the Issue Mailings and in violation of the free speech guarantees of the federal and state constitutions.

3. Declaring RCW 42.17.565 to be unconstitutional as applied to the Issue Mailings and in violation of the free speech guarantees of the federal and state constitutions.

COMPLAINT FOR DECLARATORY  
JUDGMENT AND INJUNCTIVE RELIEF - 7

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1 4. Enjoining the PDC and the PDC Executive Director against further  
2 enforcement of RCW 42.17.565 to require any disclosures for expenditures made on the Issue  
3 Mailings.

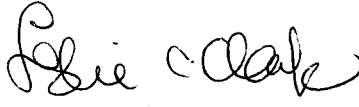
4  
5 5. Awarding the Realtors its reasonable attorneys' fees and costs under 42 U.S.C.  
6 § 1988 and any other applicable statutes.


7  
8 6. For such other and further relief as the Court deems just and proper.

9 DATED this 21<sup>st</sup> day of January, 2009

10  
11 SHORT CRESSMAN & BURGESS PLLC

12  
13 By

  
Paul J. Dayton, WSBA No. 12619  
pdayton@scblaw.com  
Leslie C. Clark, WSBA No. 36164  
lclark@scblaw.com  
999 Third Avenue, Suite 3000  
Seattle, WA 98104-4088  
Phone: (206) 682-3333  
Facsimile: (206) 340-8856

14  
15  
16  
17  
18  
19   
Annette T. Fitzsimmons, WSBA No. 22295  
atfitz@comcast.net  
P.O. Box 65578  
Tacoma, WA 98464

20  
21  
22  
23 THE NORTH CREEK LAW FIRM  
24 Mark C. Lamb, WSBA No. 30134  
25 mark@northcreeklaw.com  
26 12900 NE 180<sup>th</sup> Street, Suite 235  
Bothell, Washington 98011

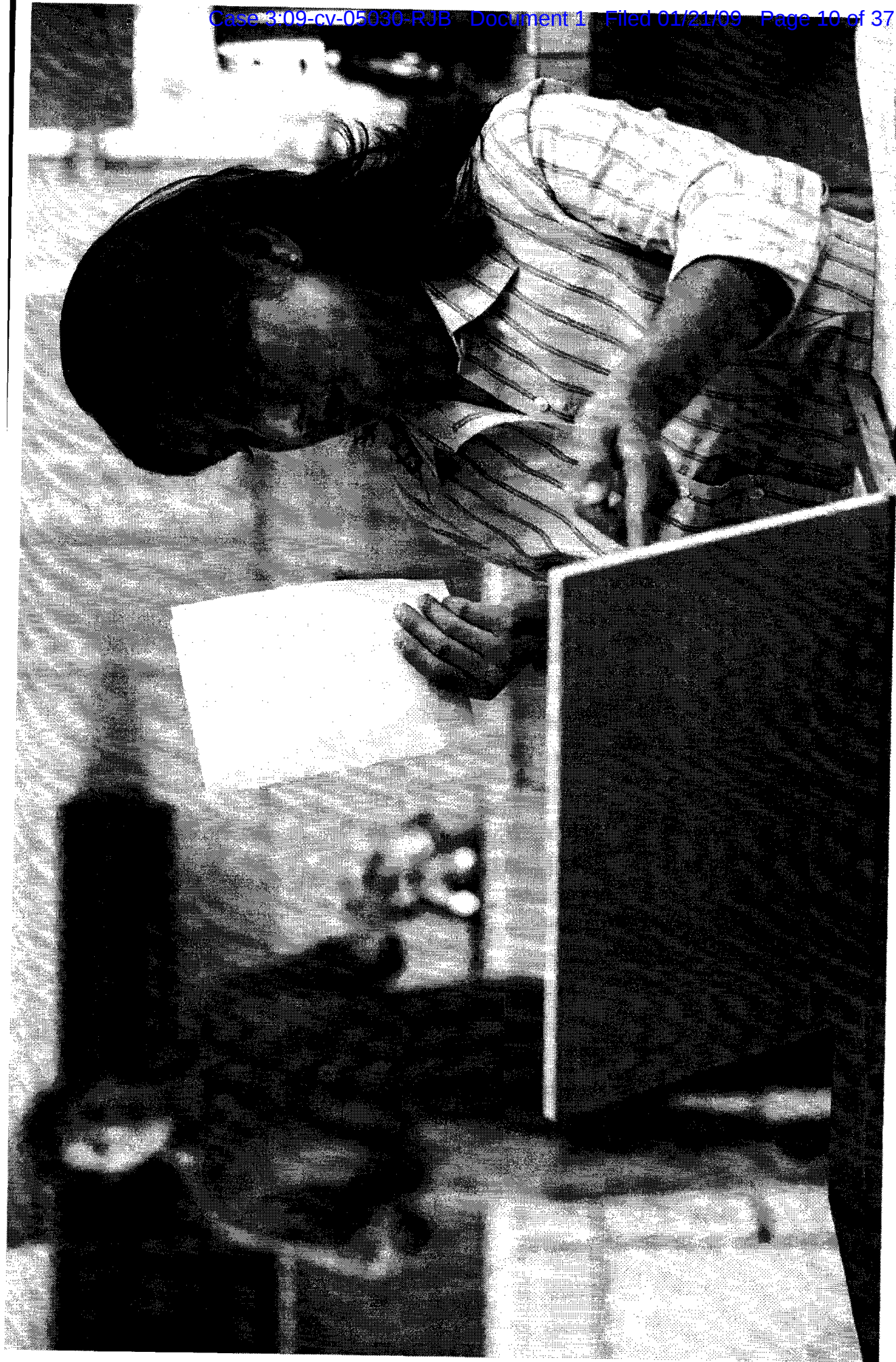
COMPLAINT FOR DECLARATORY  
JUDGMENT AND INJUNCTIVE RELIEF - 8

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## **EXHIBIT A**



Paying your bills is tough. Especially in this economy.



# The last thing we need is another tax increase.

Even though our family budgets are stretched and paychecks don't go as far as they used to, taxes may still be increased.

The state budget faces a \$3.2 billion shortfall because of four years of overspending. Who will pick up the tab?

If spending is not curbed it leaves only one option...more taxes. There have even been proposals to impose a Home Tax on your equity when you sell your house.

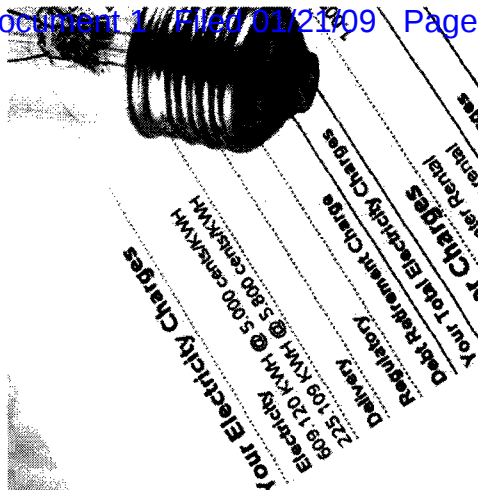
Can you afford it?

Call the Governor at 360-902-4111 and your legislator at 800-562-6000. Tell them we can't afford more taxes.

For more information on the Home Tax go to [www.StopTheHomeTax.com](http://www.StopTheHomeTax.com).

## State Budget Facts:

- ✓ Spending increased by 33%
- ✓ In just the last four years \$8 billion in new spending
- ✓ Projected \$3.2 billion shortfall



Washington REALTORS®  
P.O. Box 719 - Olympia, WA 98507  
[www.warealtor.org](http://www.warealtor.org)  
800-562-6024



Printed  
US Postage  
PAID  
ID Direct  
98201









**Your wallet = a cash cow.**

# They want to milk you for higher taxes.

Our state faces a \$3.2 billion budget deficit and yet politicians have not curbed spending.

Instead, your wallet looks like a cash cow that could deliver buckets of cash to make up the difference.

If there is no reduction in spending the only other option is to raise taxes. Can you afford it?

Call the Governor at 360-902-4111 and your state legislator at 800-562-6000. Let them know our family budgets are dried up.

We can't afford to be milked for another tax increase.

For more information on the Home Tax go to [www.StopTheHomeTax.com](http://www.StopTheHomeTax.com).

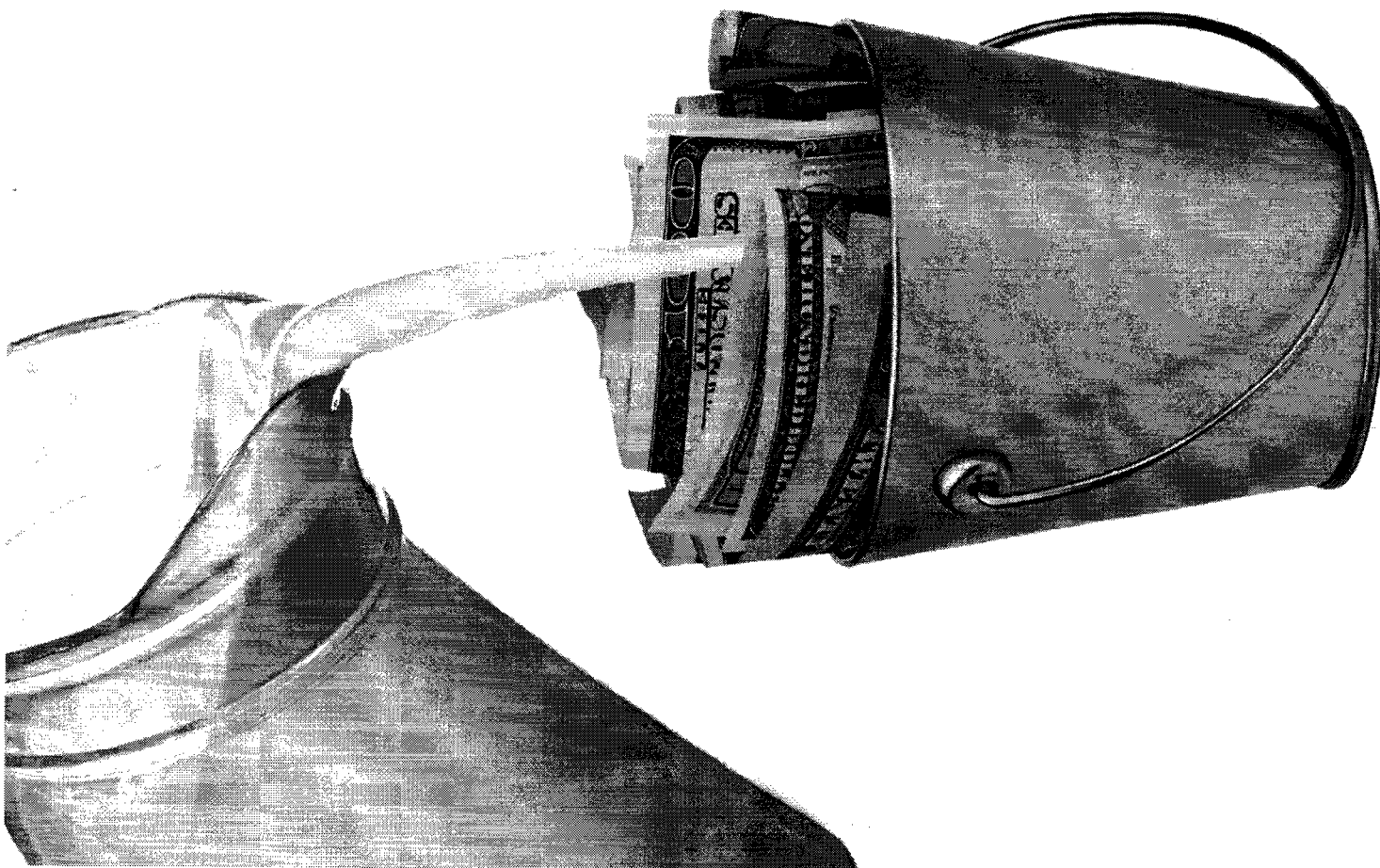
#### State Budget Facts:

- ✓ Spending increased by 33%
- ✓ In just the last four years \$8 billion in new spending
- ✓ Projected \$3.2 billion shortfall

Washington REALTORS®  
P.O. Box 719 - Olympia, WA 98507  
[www.warealtor.org](http://www.warealtor.org)  
800-562-6024



Post Paid  
US Postage  
PAID  
IQ Direct  
98201

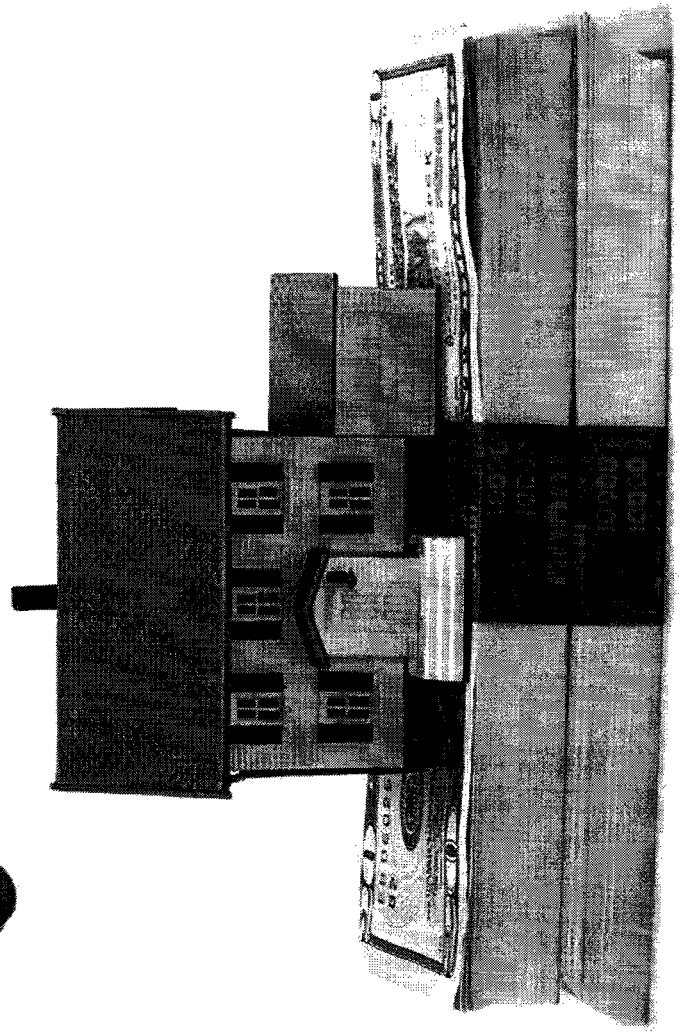






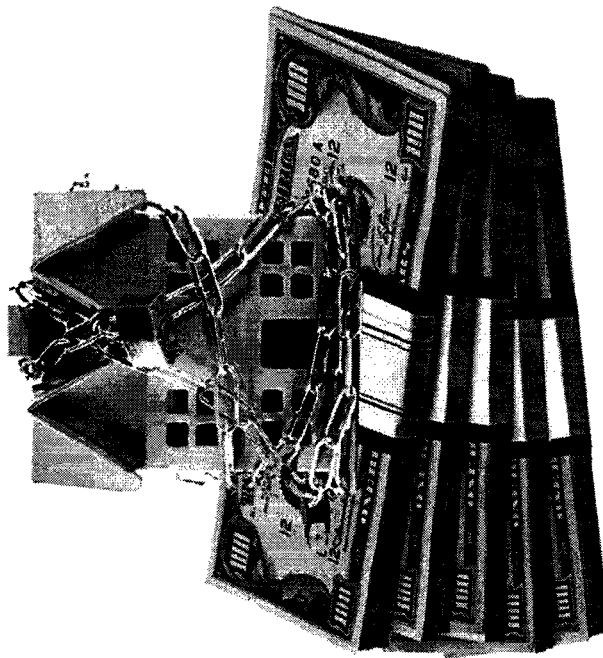


**Are they coming  
after your  
home equity?**





Some politicians want to  
tax your home equity.



Washington REALTORS®  
P.O. Box 719 - Olympia, WA 98507  
[www.warealtor.org](http://www.warealtor.org)  
800-562-6024



Politicians are scrambling to fill a \$3.2 billion hole in the state budget.

Some want to impose a Home Tax on the money you make when you sell your house.

Instead of cutting spending, they keep looking for new ways to tax your property.

A Home Tax would double-tax home owners who already pay property taxes. They would have to pay thousands more when their home sells.

Call the Governor at 360-902-4111 and your state legislator at 800-562-6000. Let them know we can't afford a tax increase.

And we sure don't want a Home Tax to drain your hard-earned equity from your home.

For more information on the Home Tax, go to [www.StopTheHomeTax.com](http://www.StopTheHomeTax.com).

**SOLD**

FOR SALE



#### Real Estate Tax Facts:

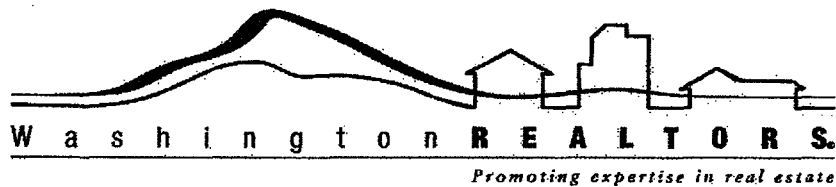
Just another tax on your property

Double-taxes property owners

Already one of the highest in the nation

Prst Std  
US Postage  
PAID  
IQ Direct  
98201

## **EXHIBIT B**



---

FACSIMILE TRANSMITTAL SHEET

---

TO:

*Phil Stutzman*

FROM:

*Greg Welch*

COMPANY:

*Public Disclosure Commission*

DATE:

*10-30-8*

FAX NUMBER:

*753-1112*

TOTAL NO. OF PAGES INCLUDING  
COVER:

PHONE NUMBER:

RE:

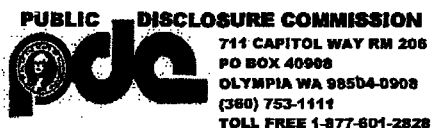
*Issue advocacy C-6's filed under protest - also emailed - FYI*

☐ URGENT ☒ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE RECYCLE

NOTES/COMMENTS:

*Please contact Mark Lamb at 425-368-4238 if any  
questions arise.*

*Greg Welch 10-30-8*



Form <b>C6</b> 5/06	
---------------------------	--

Reporting Form for: (check one)

Instructions on Page 3

- ☐ **INDEPENDENT EXPENDITURES** (Occurring at any time) — \$100 or more  
☐ **INDEPENDENT EXPENDITURE ADS** (Appearing within 21 days of an election) — \$1,000 or more  
☒ **ELECTIONEERING COMMUNICATIONS, Except Contributions** (Appearing within 60 days of an election) — \$5,000 or more

## 1. Name and complete postal mailing address of sponsor:

Washington Association of REALTORS®  
 504 14th Ave SE  
 Olympia, WA 98501

E-mail

greg.welch@warealto

Telephone

r.com 360-943-3100

## 2. Itemize expenditures of more than \$100 associated with the independent expenditure or electioneering communication.

Date Made	Date First Presented/ Mailed	Name and Address of Vendor or Recipient	Description of Expenditure (e.g., direct mail or newspaper, TV or radio ad)	Amount or Value (*See Below)
10/10/08	10/18/08	Minnick & Minnick 19030 Lenton PL SE #616  Monroe, WA 98272	Issue Advocacy Ad Printing	58937.20
10/13/08	10/18/08	IQ Direct 2809 Rockerfeller Ave  Everett, WA 98201	Issue Advocacy Ad Postage	76110.66

Expenditures \$100 or less not itemized above

\$

## Amount or Value

\*If no reasonable estimate can be made of value, describe activity, services, property or right furnished precisely and attach copy of item produced or distributed.

Total this report

\$ 135047.86

Total independent expenditures and electioneering communications made during this election campaign. Include amounts shown in this report and previously submitted C-6 reports.

\$ 135047.86

## 3. List of candidate(s) or ballot proposition(s) identified in the advertising.

Candidate/Proposition	Office/District/ Proposition No.	Party	Check Support or Oppose	Show portion of current expense attributable to each candidate or proposition	Show total C-6 expenses related to each candidate/ proposition during election campaign
"This mailing is an	issue advocacy piece		<input type="checkbox"/> <input type="checkbox"/>	\$	\$
Please see attached	sheet for further explanation		<input type="checkbox"/> <input type="checkbox"/>	\$	\$
			<input type="checkbox"/> <input type="checkbox"/>	\$	\$
			<input type="checkbox"/> <input type="checkbox"/>	\$	\$

Continued on attached sheet ☒

C-6 Page 2

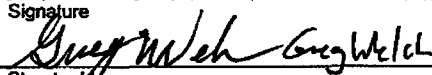
**Filer Name:****4. If reporting an Electioneering Communication, it is necessary to disclose information concerning the source of funding for the communication. Select the description that applies:**

- a) ☐ An individual using only personal funds.  
 b) ☐ An individual using personal funds and/or funds received from others.  
 c) ☒ A business, union, group, association, organization, or other person using only general treasury funds.  
 d) ☐ A business, union, group, association, organization, or other person using general treasury funds and/or funds received from others.  
 e) ☐ A political committee filing C-3 and C-4 reports. (RCW 42.17.040 - .090)  
 f) ☐ A political committee filing C-5 reports. (RCW 42.17.093)  
 g) ☐ Other

If (b), (d), (f), or (g) applies, complete section 5 below. If (e) applies, also complete section 5 if the committee received funds that were requested or designated for the communication.

**5. Sources giving in excess of \$250 for the electioneering communication:**

Date Received	Source's Name, Address, City, State, Zip	For individuals, Employer's Name, City and State	Amount
			\$
		Occupation	
			\$
		Occupation	
			\$
		Occupation	
			\$
		Occupation	
			\$
		Occupation	
			\$
		Occupation	
		Sub-Total	\$
	Continued on attached sheet <input type="checkbox"/>	Amount from attached pages	\$
		TOTAL FUNDS RECEIVED	\$

Sponsor of Independent Expenditure or Electioneering Communication		
I certify (or declare) under penalty of perjury under the laws of the State of Washington that this expenditure was not made in cooperation, consultation, or concert with, or at the request or suggestion of, a candidate, a candidate's authorized committee, or an agent of a candidate nor does it otherwise constitute a contribution under RCW 42.17.020. I further certify that the above information is true, complete, and correct to the best of my knowledge.	Signature	Printed Name
		
	Street address 504 14th Ave SE	
	City/State/Zip Olympia, WA 98501	
	Date Signed	Place Signed (city and county)
	10/30/2008	OlympiaThurston
*RCW 9A 72.040 provides that: (1) A person is guilty of false swearing if he makes a false statement, which he knows to be false, under an oath required or authorized by law. (2) False swearing is a misdemeanor.		

Date Made	Date First Presented/ Mailed	Name and Address of Vendor or Recipient	Description of Expenditure (e.g., direct mail or newspaper, TV or radio ad)	Amount or Value
-----------	---------------------------------	---	--	-----------------

[illegible]



## C6 Continuation Page

### 5. Sources giving in excess of \$250 for the electioneering communication:

Date Received	Source's Name, Address, City, State, Zip	For individuals, Employer's Name, City and State	Amount
			\$
		Occupation	
			\$
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		Occupation	
			\$
		Sub-Total This Page	\$



W a s h i n g t o n R E A L T O R S

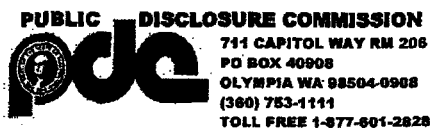
*Promoting expertise in real estate*

10/30/2008

C-6 Section 3 attachment

"This mailing is an issue advocacy piece re: the excise tax and does not support or oppose any candidate. As such, this C6 is being filed under protest and only because of the specific direction of the Director of Compliance of the PDC earlier today.

In submitting this filing the Washington Association of REALTORS® is not waiving any of its objections to this direction and explicitly reserves all rights to appeal and challenge the direction to file a C6 at a later time under state and federal law."



Form <b>C6</b> 5/06	
---------------------------	--

Reporting Form for: (check one)

Instructions on Page 3

- ☐ **INDEPENDENT EXPENDITURES** (Occurring at any time) — \$100 or more  
☐ **INDEPENDENT EXPENDITURE ADS** (Appearing within 21 days of an election) — \$1,000 or more  
☒ **ELECTIONEERING COMMUNICATIONS, Except Contributions** (Appearing within 60 days of an election) — \$5,000 or more

## 1. Name and complete postal mailing address of sponsor:

Washington Association of REALTORS®  
 504 14th Ave SE  
 Olympia, WA 98501

E-mail

greg.welch@warealto

Telephone

r.com 360-943-3100

## 2. Itemize expenditures of more than \$100 associated with the independent expenditure or electioneering communication.

Date Made	Date First Presented/ Mailed	Name and Address of Vendor or Recipient	Description of Expenditure (e.g., direct mail or newspaper, TV or radio ad)	Amount or Value (*See Below)
10/10/08	10/21/08	Minnick & Minnick 19030 Lenton PL SE #616  Monroe, WA 98272	Issue Advocacy Ad Printing	58937.20
10/21/08	10/21/08	IQ Direct 2809 Rockerfeller Ave  Everett, WA 98201	Issue Advocacy Ad Postage	80698.11

Expenditures \$100 or less not itemized above

\$

Total this report

\$

139635.31

## Amount or Value

\*If no reasonable estimate can be made of value, describe activity, services, property or right furnished precisely and attach copy of item produced or distributed.

Total independent expenditures and electioneering communications made during this election campaign. Include amounts shown in this report and previously submitted C-6 reports.

\$

247683.17

## 3. List of candidate(s) or ballot proposition(s) identified in the advertising.

Candidate/Proposition	Office/District/ Proposition No.	Party	Check Support or Oppose	Show portion of current expense attributable to each candidate or proposition	Show total C-6 expenses related to each candidate/ proposition during election campaign
"This mailing is an	issue advocacy piece		<input type="checkbox"/> <input type="checkbox"/>	\$	\$
Please see attached	sheet for further explanation		<input type="checkbox"/> <input type="checkbox"/>	\$	\$
			<input type="checkbox"/> <input type="checkbox"/>	\$	\$
			<input type="checkbox"/> <input type="checkbox"/>	\$	\$

Continued on attached sheet ☐

**Filer Name:****4. If reporting an Electioneering Communication, it is necessary to disclose information concerning the source of funding for the communication. Select the description that applies:**

- a) ☐ An individual using only personal funds.  
 b) ☐ An individual using personal funds and/or funds received from others.  
 c) ☒ A business, union, group, association, organization, or other person using only general treasury funds.  
 d) ☐ A business, union, group, association, organization, or other person using general treasury funds and/or funds received from others.  
 e) ☐ A political committee filing C-3 and C-4 reports. (RCW 42.17.040 - .090)  
 f) ☐ A political committee filing C-5 reports. (RCW 42.17.093)  
 g) ☐ Other

If (b), (d), (f), or (g) applies, complete section 5 below. If (e) applies, also complete section 5 if the committee received funds that were requested or designated for the communication.

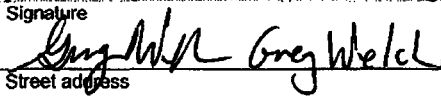
**5. Sources giving in excess of \$250 for the electioneering communication:**

Date Received	Source's Name, Address, City, State, Zip	For Individuals, Employer's Name, City and State	Amount
			\$
		Occupation	
			\$
		Occupation	
			\$
		Occupation	
			\$
		Occupation	
			\$
		Occupation	
			\$
		Occupation	
		Sub-Total	\$
		Amount from attached pages	\$
		<b>TOTAL FUNDS RECEIVED</b>	\$

Continued on attached sheet ☐

Amount from attached pages

TOTAL FUNDS RECEIVED

Sponsor of Independent Expenditure or Electioneering Communication			
I certify (or declare) under penalty of perjury under the laws of the State of Washington that this expenditure was not made in cooperation, consultation, or concert with, or at the request or suggestion of, a candidate, a candidate's authorized committee, or an agent of a candidate nor does it otherwise constitute a contribution under RCW 42.17.020. I further certify that the above information is true, complete, and correct to the best of my knowledge.	Signature	Printed Name	
			WA Association of REALTORS®
	Street address		
	504 14th Ave SE		
	City/State/Zip		
Olympia, WA 98501			
Date Signed	Place Signed (city and county)		
10/30/2008	OlympiaThurston		
*RCW 9A 72.040 provides that: (1) A person is guilty of false swearing if he makes a false statement, which he knows to be false, under an oath required or authorized by law. (2) False swearing is a misdemeanor.			

Date Made	Date First Presented/ Mailed	Name and Address of Vendor or Recipient	Description of Expenditure (e.g., direct mail or newspaper, TV or radio ad)	Amount or Value

[illegible]

Date Received	Source's Name, Address, City, State, Zip	For individuals, Employer's Name, City and State	Amount
			\$
		Occupation	
			\$
		Occupation	
			\$
		Occupation	
			\$
		Occupation	
			\$
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		Occupation	
			\$
		Occupation	
			\$
		Occupation	
			\$
		Occupation	
			\$
		Sub-Total This Page	\$



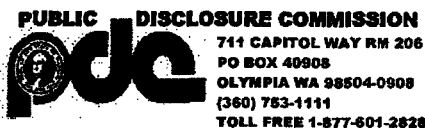
W a s h i n g t o n R E A L T O R S  
*Promoting expertise in real estate*

10/30/2008

C-6 Section 3 attachment

"This mailing is an issue advocacy piece re: the excise tax and does not support or oppose any candidate. As such, this C6 is being filed under protest and only because of the specific direction of the Director of Compliance of the PDC earlier today.

In submitting this filing the Washington Association of REALTORS® is not waiving any of its objections to this direction and explicitly reserves all rights to appeal and challenge the direction to file a C6 at a later time under state and federal law."



Form <b>C6</b> 5/06	
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Reporting Form for: (check one)

Instructions on Page 3

- ☐ **INDEPENDENT EXPENDITURES** (Occurring at any time) — \$100 or more
- ☐ **INDEPENDENT EXPENDITURE ADS** (Appearing within 21 days of an election) — \$1,000 or more
- ☒ **ELECTIONEERING COMMUNICATIONS, Except Contributions** (Appearing within 60 days of an election) — \$5,000 or more

## 1. Name and complete postal mailing address of sponsor:

Washington Association of REALTORS®  
504 14th Ave SE  
Olympia, WA 98501

E-mail

greg.welch@warealto

Telephone

r.com 360-943-3100

## 2. Itemize expenditures of more than \$100 associated with the independent expenditure or electioneering communication.

Date Made	Date First Presented/ Mailed	Name and Address of Vendor or Recipient	Description of Expenditure (e.g., direct mail or newspaper, TV or radio ad)	Amount or Value (*See Below)
10/10/08	10/25/08	Minnick & Minnick 19030 Lenton PL SE #616  Monroe, WA 98272	Issue Advocacy Ad Printing	58937.20
10/21/08	10/25/08	IQ Direct 2809 Rockerfeller Ave  Everett, WA 98201	Issue Advocacy Ad Postage	80608.57

Expenditures \$100 or less not itemized above

\$

Total this report

\$

139545.77

## Amount or Value

\*If no reasonable estimate can be made of value, describe activity, services, property or right furnished precisely and attach copy of item produced or distributed.

Total independent expenditures and electioneering communications made during this election campaign. Include amounts shown in this report and previously submitted C-6 reports.

\$

414228.94

## 3. List of candidate(s) or ballot proposition(s) identified in the advertising.

Candidate/Proposition	Office/District/ Proposition No.	Party	Check Support or Oppose	Show portion of current expense attributable to each candidate or proposition	Show total C-6 expenses related to each candidate/ proposition during election campaign
"This mailing is an	issue advocacy piece		<input type="checkbox"/> <input type="checkbox"/>	\$	\$
Please see attached	sheet for further explanation		<input type="checkbox"/> <input type="checkbox"/>	\$	\$
			<input type="checkbox"/> <input type="checkbox"/>	\$	\$
			<input type="checkbox"/> <input type="checkbox"/>	\$	\$

Continued on attached sheet ☒



C-6 Page 2

Filer Name:

4. If reporting an Electioneering Communication, it is necessary to disclose information concerning the source of funding for the communication. Select the description that applies:

- a) ☐ An individual using only personal funds.  
 b) ☐ An individual using personal funds and/or funds received from others.  
 c) ☒ A business, union, group, association, organization, or other person using only general treasury funds.  
 d) ☐ A business, union, group, association, organization, or other person using general treasury funds and/or funds received from others.  
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 f) ☐ A political committee filing C-5 reports. (RCW 42.17.093)  
 g) ☐ Other

If (b), (d), (f), or (g) applies, complete section 5 below. If (e) applies, also complete section 5 if the committee received funds that were requested or designated for the communication.

5. Sources giving in excess of \$250 for the electioneering communication:

Date Received	Source's Name, Address, City, State, Zip	For individuals, Employer's Name, City and State	Amount
			\$
		Occupation	
			\$
		Occupation	
			\$
		Occupation	
			\$
		Occupation	
			\$
		Occupation	
			\$
		Occupation	
		Sub-Total	\$
	Continued on attached sheet <input type="checkbox"/>	Amount from attached pages	\$
		TOTAL FUNDS RECEIVED	\$

#### Sponsor of Independent Expenditure or Electioneering Communication

I certify (or declare) under penalty of perjury under the laws of the State of Washington that this expenditure was not made in cooperation, consultation, or concert with, or at the request or suggestion of, a candidate, a candidate's authorized committee, or an agent of a candidate nor does it otherwise constitute a contribution under RCW 42.17.020. I further certify that the above information is true, complete, and correct to the best of my knowledge.

Signature *Greg Welch* Printed Name WA Association of REALTORS®  
 Street address 504 14th Ave SE  
 City/State/Zip Olympia, WA 98501  
 Date Signed 10/30/2008 Place Signed (city and county) OlympiaThurston  
 \*RCW 9A.72.040 provides that "(1) A person is guilty of false swearing if he makes a false statement, which he knows to be false, under an oath required or authorized by law. (2) False swearing is a misdemeanor."

**Date  
Made**

**Date First Presented/  
Mailed****Name and Address of Vendor or Recipient**Description of Expenditure  
(e.g., direct mail or newspaper, TV or radio ad)

Amount or Value

[illegible]

## C6 Continuation Page

### 5. Sources giving in excess of \$250 for the electioneering communication:

Date Received	Source's Name, Address, City, State, Zip	For individuals, Employer's Name, City and State	Amount
			\$
		Occupation	
			\$
		Occupation	
			\$
		Occupation	
			\$
		Occupation	
			\$
		Occupation	
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		Occupation	
			\$
		Occupation	
			\$
		Occupation	
			\$
		Occupation	
			\$
		Sub-Total This Page	\$

W a s h i n g t o n R E A L T O R S

*Promoting expertise in real estate*

10/30/2008

C-6 Section 3 attachment

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